HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No.22672 OF 1998

Between:

R. Krishna

… Petitioner

AND

Commissioner, Employment and Training,
Burgula Ramakrishna Rao Bhavan, Tank Bund,
Hyderabad and five others

… Respondents

:: O R D E R ::

Counsel for the petitioner : Shri P. Srinivasa Reddy

Counsel for respondent No.4 : Shri M. Ratna Reddy

April 4, 2007

In this petition, the petitioner has prayed for issue of a mandamus to the respondents to appoint him as Safaiwala under Station Commander, Head Quarter, Secunderabad (respondent No.4).

The petitioner belongs to Scheduled Caste. He got himself registered himself with the Regional Employment Exchange (Labour), R.T.C Cross Roads, Hyderabad. He has challenged the appointment of respondent No.5 by alleging that the latter managed his selection in

connivance with respondent No. 3 by fabricating the records.

In paragraphs 3 and 4 of the counter affidavit filed him, Col. R.S. Thapa has given the details of the steps taken for recruitment of Safaiwalas and averred as under:

> "3. I submit that the Army Headquarters released 75 conservancy safaiwalas vacancies to be filled by this Headquarters vide letter No. 15972/STN HQ/REL/ORG – 4 (civil) dated 13 Feb 95. As per the existing policy, the Employment Exchange Officer and Zilla Sainik Welfare Officer were asked to furnish list of eligible candidates for screenings and selection. The list containing nearly 1360 candidates was forwarded to this office by the Employment Officers. In order to ensure the genuineness of the candidates included in the list, the Employment Officer Sri Somireddy was called in the Office. Sri Somireddy had certified and made an endorsement on all the list to the effect that the candidates mentioned in the list are genuine and the list was sent by Employment Exchange Officer.
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> 4. I further submit that for a selection of the candidates, a Board of Officers was convened on 30.9.95 and call letter was issued to all the candidates mentioned in the list. The Board of Officers assembled from 5.10.95 for verification of the documents and for screening and selection of the eligible candidates. It is further submitted that in order to ensure that no bogus candidates are selected, an officer from this Headquarters was sent to the Employment Exchange to verify the correctness/genuineness of the employment cards issued to the selected candidates. A certificate to this effect was obtained in this office on 4-12-95 and 14-12-95. I submit that the candidates whose documents are genuine and whose names were forwarded by the Employment Exchange were screened and eligible and qualified candidates were selected. After police verification was also conducted to ensure only genuine candidates are given employment and after police verification only the letters of appointment were issued to the selected candidates. In such circumstances, the allegations that an impersonator in the name of the Petitioner was appointed is not within the knowledge of this Respondent. This Respondent has taken due care and deligence in verifying the genuineness of all the candidates."

The petitioner has not filed rejoinder affidavit to controvert the above reproduced averments.

I have heard Shri P. Srinivas Reddy, learned counsel for the petitioner and Shri M. Ratna Reddy for respondent No.4. In my opinion, the writ petition is liable to be dismissed because,

(a) the petitioner has not impleaded the appointees as parties to the writ petition and without issuing notice and hearing them, the Court cannot invalidate the appointments,

(b) the orders by which candidates selected by respondent No.4 in 1995 were appointed have not been placed on the record of the writ petition. Therefore, no finding adversely affecting their selection and appointment can be recorded,

(c) the petitioner is liable to be non-suited on the ground of delay and laches because he has not explained the long time gap of more than two years between the selection and appointment of suitable candidates by respondent No.4 and filing of the writ petition, and

(d) after a gap of almost 12 years from the date of appointment, it will be wholly inequitable and unjust to annul the appointment of unknown number of persons.

In the result, the writ petition is dismissed.

G.S.SINGHVI, CJ

April 4, 2007

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